

COUNTER et al
Appl. No. 10/554,295
March 1, 2010

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REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Claim 9 has been revised so as to be placed in independent, and thus allowable, form

New claims 42-44 have been added. The new claims are fully supported by the disclosure (see, for example, page 4, lines 7 and 8, and claim 4 as originally filed).

Claims 8, 11-23, and 25-41 stand rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is submitted to be in order for the reasons that follow.

At the outset, Applicants direct attention to the articles by Nakamura et al and Bryan et al submitted herewith. These articles make it clear that one skilled in the art would have readily appreciated what was intended by the phrase "the catalytic subunit of a mammalian telomerase reverse transcriptase". These articles demonstrate that telomerase reverse transcriptases are highly conserved among eukaryotes. In this regard, attention is directed to Fig. 2 of Nakamura et al and Fig. 1 of Bryan et al. Thus, in the case of the catalytic subunit of telomerase reverse transcriptase component of the claimed chimera, there is not substantial variation within the genus as the Examiner suggests. Therefore, the description at, for example, page 4 of the application, first full paragraph, is more than adequate.

As regards the telomere binding polypeptide component of the claimed chimeric molecule, attention is again directed to the paragraph bridging pages 4 and 5 of the application where specific reference is made to 9 different moieties, with 10 references being cited (which are incorporated by reference on page 15).

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Applicants again submit that the disclosure conveys with far more than just reasonable clarity that they were in full possession of the claimed invention as of the filing date.

Withdrawal of the rejection is in order and the same is requested.

Claims 8, 11-23 and 25-41 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. Withdrawal of the rejection is submitted to be in order for the reasons that follow.

As described above in response to the rejection based on lack of written description, the subject specification is replete with examples of telomere binding polypeptides suitable for use in the claimed chimeric molecule and the examples of polypeptides having telomerase catalytic activity are more than adequate, particularly, given the conserved nature of such polypeptides.

The Examiner is again urged to explain why, based on the extensive disclosure provided, one skilled in the art could not practice the invention as claimed without undue experimentation so that Applicants can properly respond. Any experimentation that might be required to practice the invention would certainly would not be undue and would certainly not require ingenuity beyond that possessed by one skilled in the art. The Examiner offers nothing by way of evidence that would indicate otherwise. Accordingly, reconsideration is requested.

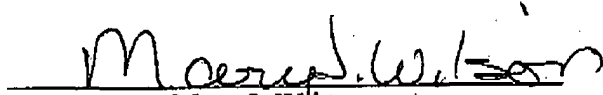
This application is submitted to be in condition for allowance and a Notice to that effect is requested.

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Respectfully submitted,

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